UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,287	06/26/2003	Ilkka Westman	59643.00283	3282

			EXAMINER
32294	7590	02/24/2006	SOBUTKA, PHILIP

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ART UNIT	PAPER NUMBER
2684	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/606,287	WESTMAN, ILKKA
	Examiner	Art Unit	
	Philip J. Sobutka	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-32</u> is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-32</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>26 June 2003</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☒ All   b)☐ Some * c)☐ None of:
   1.☒ Certified copies of the priority documents have been received.
   2.☐ Certified copies of the priority documents have been received in Application No. _____.
   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date <u>6/2003, 2/2004</u>.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which

papers have been placed of record in the file.

Specification

2.   The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed.

Drawings

3.   New corrected drawings in compliance with 37 CFR 1.121(d) are required in this

application because the submitted drawings are clearly informal. Applicant is advised to

employ the services of a competent patent draftsperson outside the Office, as the U.S.

Patent and Trademark Office no longer prepares new drawings. The corrected drawings

are required in reply to the Office action to avoid abandonment of the application. The

requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1,2,5-9,11-13,15-19,21-25,28-32 are rejected under 35 U.S.C. 102(e) as
being anticipated by Jonsson et al (US 2003/0036350).

Consider claim1.   Jonsson teaches a method establishing a user group amongst
a plurality of mobile terminals, comprising:

receiving at a host device *(Note that Jonsson teaches that in ad hoc groups of
Bluetooth devices, or nodes, one node will become the master of the group, analogous
to the claimed host, as shown in figures 1 and 2, and described in paragraphs 21 and
22)*, from at least one of the plurality of mobile terminals, at least one identity associated
with each said mobile terminal (*Jonsson describes receiving the identity in figure 5, and
paragraphs 29 and 30. Note that the device identity is called the Bluetooth device
address or BD_ADDR as described in paragraph 25. Note also that the 48 bit
BD_ADDR is made up of the 24 bit lower address part or LAP, the 8 bit upper address
part or UAP and the 16 bit non-significant address part or NAP, show in figure 6 and
described in paragraph 30)*; and

grouping or collecting, at the host device, the identities associated with the
mobile terminals, to thereby establish a user group *(Jonsson teaches grouping the
device identities at the master device as shown in figure 7 and described in paragraphs
34 and 35)*;

wherein the at least one of said mobile terminals transmits the said associated
identities to the host device on local communication link *(note that Jonsson teaches the
identities are transmitted using Bluetooth, which is a local communication link, as
described in paragraphs 7, 212,22,29 and 30)*.

As to claim 2, Jonsson teaches that the user group is a temporary user group *(note that Jonsson teaches that the network is an ad hoc group as described in paragraph 19, allowing for devices to be added or removed from the contact list as described in paragraph 39.)*

As to claim 5, Jonsson teaches dynamically updating the user group *(note that Jonsson teaches that the network is an ad hoc group as described in paragraph 19, allowing for devices to be added or removed from the contact list as described in paragraph 39.).*

As to claim 6, Jonsson teaches that the step of dynamically updating the user group includes receiving, at the host device, at least one identity associated with a mobile terminal, and adding said identity to the user group *(Jonsson teaches that the host or master device regularly performs the inquiry procedure to add nearby devices to the list as described in paragraphs 34 and 35).*

As to claim 7, Jonsson teaches that dynamically updating the user group includes deleting an identity from the user group *(Jonsson teaches procedures for deleting devices from the list, or user group, in paragraphs 44 and 45).*

As to claim 8, Jonsson teaches storing the user group *(Jonsson teaches storing the device identities in lists at the master device as shown in figures 7, 8a and 8b and described in paragraphs 34-37).*

As to claim 9, note that Jonsson also teaches storing the group with a characteristic to identify the group. *(Jonsson teaches that the responding devices are grouped into an overall device list and stored into a separate candidate list based on*

matching certain criteria such as relevant class or service profile data, as described in paragraphs 35-37. The candidate group's criteria would correspond to the claimed group characteristic).

As to claim 11, Jonsson teaches that the plurality of mobile devices transmit their associated identities to the host device responsive to a request for their associated identity from the host device, wherein the host device transmits said request on local communication link (*Jonsson describes the devices transmitting their identities in response to an INQUIRY request from the host device as shown in figure 5, and described paragraphs 29 and 30. Jonsson teaches the identities are transmitted using Bluetooth, which is a local communication link, as described in paragraphs 7, 212,22,29 and 30).*

As to claim 12 Jonsson teaches that the request from the host device is a broadcast signal *(Jonsson teaches that the Bluetooth inquiry request is a broadcast message in paragraph 29).*

As to claim 13, Jonsson teaches that the host device includes a mobile terminal *(Jonsson notes that the devices can be mobile phones in paragraph 41).*

As to claim 15, Jonsson teaches the local communication link a short-range communication link *(Jonsson teaches using Bluetooth, which is a local, short range communication link, as described in paragraph 3).*

As to claim 16, Jonsson teaches that the short- range communication link is a radio communication link *(Jonsson teaches using Bluetooth, which is a short range radio link, as described in paragraphs 3, and 19).*

As to claim 17, Jonsson teaches that the radio communication link is a Bluetooth link *(Jonsson teaches using Bluetooth, which is a short range radio link, as described in paragraphs 3, and 19).*

As to claim 18, Jonsson teaches that the plurality of mobile terminals is associated with a mobile telecommunications network *(Jonsson notes that the devices can be mobile phones in paragraph 41).*

As to claim 19, Jonsson teaches that the host device is a mobile terminal *(Jonsson teaches that the device can be a Bluetooth enabled PDA, which is a mobile computer terminal, as described in paragraph 41).*

As to claim 21, Jonsson teaches that the host device is a computer *(Jonsson teaches that the device can be a Bluetooth enabled PDA, which is a mobile computer terminal, as described in paragraph 41).*

Consider claim 22, Jonsson teaches a device for establishing a user group amongst plurality of mobile terminals, including:

means for receiving an identity associated with each the mobile terminals *(Jonsson describes receiving the identity in figure 5, and paragraphs 29 and 30. Note that the device identity is called the Bluetooth device address or BD_ADDR as described in paragraph 25. Note also that the 48 bit BD_ADDR is made up of the 24 bit lower address part or LAP, the 8 bit upper address part or UAP and the 16 bit non-significant address part or NAP, show in figure 6 and described in paragraph 30),*

said means being adapted to receive the identities on a local communication link

(note that Jonsson teaches the identities are transmitted using Bluetooth, which is a

local communication link, as described in paragraphs 7, 212,22,29 and 30);

and means for grouping or collecting the associated identities to thereby

establish a user group *(Jonsson teaches grouping the device identities at the master*

device as shown in figure 7 and described in paragraphs 34 and 35).

As to claim 23, Jonsson teaches the local communication link a short-range

communication link *(Jonsson teaches using Bluetooth, which is a local, short range*

communication link, as described in paragraph 3, and 19).

As to claim 24, Jonsson teaches that the short- range communication link is a

radio link *(Jonsson teaches using Bluetooth, which is a short range radio link, as*

described in paragraphs 3, and 19).

As to claim 25, Jonsson teaches that the radio communication link is a Bluetooth

link *(Jonsson teaches using Bluetooth, which is a short range radio link, as described in*

paragraphs 3, and 19).

As to claim 28, Jonsson teaches means for storing one or more user groups

(Jonsson teaches storing the device identities in lists at the master device as shown in

figures 7, 8a and 8b and described in paragraphs 34-37. Jonsson teaches that the

responding devices are grouped into an overall device list and stored into a separate

candidate list based on matching certain criteria such as relevant class or service profile

data, as described in paragraphs 35-37. Note that Jonsson teaches more than one

criteria).

As to claim 29, Jonsson teaches the devices comprising mobile telephone telephones *(Jonsson notes that the devices can be mobile phones in paragraph 41).*

As to claim 30, Jonsson teaches a device comprising a host control device *(Note that Jonsson teaches that in ad hoc groups of Bluetooth devices, or nodes, one node will become the master of the group, which functions as the claimed host device, as shown in figures 1 and 2, and described in paragraphs 21 and 22).*

As to claim 31, Jonsson teaches the host device comprising a computer *(Jonsson teaches that the device can be a Bluetooth enabled PDA, which is a mobile computer terminal, as described in paragraph 41).*

Consider claim 32, Jonsson teaches a mobile communications system including a device establishing a user group amongst plurality of mobile terminals of the system, including

a host device *(Note that Jonsson teaches that in ad hoc groups of Bluetooth devices, or nodes, one node will become the master of the group, analogous to the claimed host, as shown in figures 1 and 2, and described in paragraphs 21 and 22)* receiving an identity associated with each of the mobile terminals *(Jonsson describes receiving the identity in figure 5, and paragraphs 29 and 30. Note that the device identity is called the Bluetooth device address or BD_ADDR as described in paragraph 25. Note also that the 48 bit BD_ADDR is made up of the 24 bit lower address part or LAP, the 8 bit upper address part or UAP and the 16 bit non-significant address part or NAP, show in figure 6 and described in paragraph 30);*

said host device being adapted to receive the identities on a local

communication link *(note that Jonsson teaches the identities are transmitted using*

Bluetooth, which is a local communication link, as described in paragraphs 7, 212,22,29

and 30), and

said host device further being adapted to group or collect the associated

identities to thereby establish a user group *(Jonsson teaches grouping the device*

identities at the master device as shown in figure 7 and described in paragraphs 34 and

35).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 3,4 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Jonsson in view of Taib et al (US 2003/0177219).

Consider claim 3. Jonsson teaches the method of claim 1 as shown above.

Note that Jonsson's host devices can be mobile telephones *(Jonsson notes that the*

devices can be mobile phones in paragraph 41), which of course are associated with a

mobile communications network. However Jonsson lacks a teaching of the step of

transmitting the user group to the mobile communications network.

Taib teaches a Bluetooth enabled mobile phone that transmits the identities of

members of the group, called an ad hoc network, to the fixed mobile network *(Taib*

teaches that the host device, which Taib calls the gateway device transmits the

identities of the group, or ad-hoc network to the larger mobile network in paragraphs 84,

and 85. Taib teaches that transfer of this information allows the fixed network to contact

individual members to the ad hoc network through ad hoc gateway or host device as

described in paragraphs 82,83. Taib notes that this allows for data to be routed to a

device that is not in direct communication range of the fixed network).

It would have been obvious to one of ordinary skill in the art to modify Jonsson to

transmit the user group to the mobile network in order to allow for the mobile network to

transmit data to a device that was not in direct contact with the mobile network as taught

by Taib.

As to claim 4, note that Jonsson teaches the mobile communications network

communicating with the mobile terminals in the user group *(Jonsson notes that the*

devices can be mobile phones in paragraph 41, of course the mobile network

communicates with the mobile phones. Note that claim 4 does not require the

communication from the mobile network to be routed through the host device.

Therefore, while Jonsson as modified by Taib above would additionally allow the mobile

network to route calls through the host device, the claim does not distinguish over the

Bluetooth enabled phones of Jonsson simply receiving calls over the mobile network as

they normally do).

Consider claim 27. Jonsson teaches the device according to claim 22 as shown

above. Note that Jonsson's devices can be mobile telephones *(Jonsson notes that the*

devices can be mobile phones in paragraph 41), which of course include means for

communicating with a mobile communications system. However Jonsson lacks a

teaching of the step of transmitting the user group to the mobile communications

system.

Taib teaches a Bluetooth enabled mobile phone that transmits the identities of

members of the group, called an ad hoc network, to the fixed mobile system *(Taib*

teaches that the ad hoc Bluetooth group master, or host device, which Taib calls the

gateway device transmits the identities of the group, or ad-hoc network to the larger

mobile network in paragraphs 84, and 85. Taib teaches that transfer of this information

allows the fixed network to contact individual members to the ad hoc network through

ad hoc gateway or host device as described in paragraphs 82,83. Taib notes that this

allows for data to be routed to a device that is not in direct communication range of the

fixed mobile network).

It would have been obvious to one of ordinary skill in the art to modify Jonsson

to transmit the user group to the mobile system in order to allow for the mobile network

to transmit data to a device that was not in direct contact with the mobile network as

taught by Taib.

8.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson

in view of Hendrickson et al (US 6,754,470).

Consider claim 10, Jonsson teaches the method according claim 9 as shown

above including storing the group with a characteristic to identify the group. *(Jonsson*

teaches that the responding devices are grouped into an overall device list and stored

into a separate candidate list based on matching certain criteria such as relevant class

or service profile data, as described in paragraphs 35-37. The candidate group's

criteria would correspond to the claimed group characteristic). However, Jonsson lacks

a teaching of the stored characteristic being at least one of a date, time and location

stamp.

Hendrickson teaches storing characteristics of wireless communication usage

including location, time and date stamp *(Hendricks shows the stored location time and*

date characteristics of wireless usage in figure 2, column 19 lines 19-37, column 10,

lines 1-44, column 11, lines 45-55, and column 12, lines 19-25). Hendrickson teaches

that this gathered data can be utilized to better tailor services as well as improving

quality of service. *(Hendrickson notes that the gathered metrics including location, time*

and data stamps, can be used by service providers to better deliver desired products

and services to mobile users in column 6, line 54 through column 7, lines 24, and

column 15, lines 5 through column 16, line 10. Hendrickson also notes that the stored

data can be used to better analyze and improve quality of service in the wireless

network, as described in column 17, lines 20-35, column 18, lines 2-15).

Therefore, it would have been obvious to one of ordinary skill in the art to modify

Jonsson to store usage metrics such as location, date and time stamps in order to

provide data to allow service providers to better deliver desired products and services

as well as to improve the quality of service of the mobile network as taught by

Hendrickson.

9.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson

in view of Haartsen (US 6,754,250).

Consider claim 14. Jonsson teaches the method of claim 1 as shown above,

including the step of grouping the identities of the devices *(Jonsson teaches grouping*

the device identities at the master device as shown in figure 7 and described in

paragraphs 34 and 35). However Jonsson lacks a teaching of transmitting the identities

of the group to the plurality of terminals.

Haartsen teaches a Bluetooth ad hoc piconet in which the identities of the

piconet member are transmitted to the slave member devices from the master, or host

device *(Haartsen teaches distributing the identities about each unit among all members*

of the groups in column 11, lines 28-31). Haartsen teaches that this allows a faster

connection between the slave units *(Haartsen describes how the master unit can be*

used to facilitate faster connection between the slaves when the identities are know to

one another on column 11, lines 31-45).

Therefore it would have been obvious to one of ordinary skill in the art to modify

Jonsson to transmit the identities of the group devise to the group in order to provide for

faster connection between group members as taught by Haartsen.

10.   Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson

in view of Blake (US 6,928,263).

Consider claim 20, Jonsson teaches the method according to claim 1 as shown

above, however Jonsson lacks a teaching of the device being a dedicated host.

Blake teaches a Bluetooth device *(Blake teaches the use of Bluetooth in column 4, lines 18-30)* called a beacon, which is dedicated to broadcasting inquiry signals to collect identities of nearby devices *(Blake teaches the broadcast of Bluetooth inquiry in column 5, lines 25-34, 54-57)*. Blake teaches this can be used in a retail location such as a shopping mall, department store or theme park *(Blake shows the network in figure 4, and describes it in column 7, lines 35-40)* in order to transmit details of special offers to passing terminals *(Blake describes the advantage provided by the dedicated beacons in column 5, lines 43-47)*.

Therefore it would have been obvious to one of ordinary skill in the art to modify the device of Jonsson to be a dedicated host in order to allow its use by retailer to transmit details of special offers to passing terminals.

11.   Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Sibecas et al (US 6,820,126).

Consider claim 26, Jonsson teaches the method according to claim 1 including the short-range link being Bluetooth *(note that Jonsson teaches the identities are transmitted using Bluetooth, which is a local communication link, as described in paragraphs 7, 212,22,29 and 30)*.

However Jonsson lacks a teaching of the short-range link being an infrared link.

Sibecas teaches a short range Bluetooth networking arrangement *(Sibecas describes the local area networking on column 1, lines 8-25 and column 2, lines 19-30)* and notes that infrared could be used in place of Bluetooth *(Sibecas teaches that*

infrared and Bluetooth are both well know short range communication protocols in

column 1, lines 25-40 and column 5, lines 5-31).

Therefore it would have been obvious to one of ordinary skill in the art to modify

the device of Jonsson to use infrared as taught by Sibecas in order to completely

eliminate the possibility of the short range communication link either being subject to or

causing interference, as would be of concern in a noisy or sensitive environment.

Conclusion

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Philip J Sobutka whose telephone number is 571-272-

7887. The examiner can normally be reached Monday through Friday from 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Doris To can be reached on 571-272-7629.

13.   The central fax phone number for the Office is 571-273-8300.

Most facsimile-transmitted patent application related correspondence is
required to be sent to the Central FAX Number.

CENTRALIZED DELIVERY POLICY: For patent related correspondence,
hand carry deliveries must be made to the Customer Service Window (now
located at the Randolph Building, 401 Dulany Street, Alexandria, VA
22314), and facsimile transmissions must be sent to the Central FAX
number, unless an exception applies. For example, if the examiner has
rejected claims in a regular U.S. patent application, and the reply to the
examiner's Office action is desired to be transmitted by facsimile rather
than mailed, the reply must be sent to the Central FAX Number.

14.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

2/16/2006

PHILIP J. SOBUTKA
PATENT EXAMINER

Philip J Sobutka

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